



STAFF REPORT

PLANNING COMMISSION MEETING

May 14, 2024

TO: Honorable Chair and Commissioners

FROM: David Loya, Director of Community Development

PREPARER: David Loya, Director of Community Development

DATE: May 06, 2024

TITLE: **Affirm the Zoning Administrator Action of April 25, 2024, for the American Hospital Multifamily Design Review Project at 3289 Janes Road**

RECOMMENDATION:

Staff recommends the Planning Commission:

- 1) affirm the Zoning Administrator Action of April 25, 2024, for the American Hospital multifamily Design Review project at 3289 Janes Road,
or alternatively, the Planning Commission may
- 2) initiate an appeal of the Zoning Administrator Action.

INTRODUCTION:

The Zoning Administrator approved the American Hospital Design Review project on April 24, 2024. The multifamily project met all objective development standards established by the City. As a result, and in accordance with the Housing Accountability Act, the project was approved. Several neighbors raised objections. The Zoning Administrator extended the appeal period to all the Planning Commission the opportunity to appeal the Zoning Administrator decision. This action will either affirm the Zoning Administrator decision by taking staff recommendation number 1, or initiate an appeal by taking action on staff recommendation number 2.

DISCUSSION:

The Design Review permit review authority for the American Hospital project is the Zoning Administrator. The Zoning Administrator approved the project as submitted with minor changes of conditions of approval at the Continued Hearing of April 24, 2024 (Attachment A). Several public members attended the hearing and provided comments on several matters (Attachment B), including parking, solar shading, privacy concerns, neighborhood compatibility of two-story development, traffic impacts, and several environmental concerns.

Because the authority is a single individual, the Zoning Administrator extended the appeal period to provide the seven-member body of the Planning Commission the opportunity to review the decision. Staff recommends the Commission affirm the Zoning Administrator decision because the project meets the development standards established in the Zoning Ordinance, and because the Housing

Accountability Act (Act) requires approval at the allowable densities for projects that meet the development standards. The Act does not allow the City the authority to reduce the size of the project or impose changes in conflict with the objective standards.

If the Commission elects to appeal the Zoning Administrator decision, the matter will be set for hearing at the next available Planning Commission meeting date that meets the noticing requirements. The Commission would be subject to the Act in the same way the Zoning Administrator was. Because two-stories are allowed in the Residential Medium Density zoning district, and because the project meets the density, setback, parking, building height, and other objective standards in the district, the Commission would be required to approve the project as proposed.

Though there is little to no discretion that may be applied, staff wished to provide the Commission the opportunity to appeal the decision so the neighbors would not have to expend their resources to make an appeal. This also provides the public with a decision made by a body of decision makers instead of a single decision maker.

ENVIRONMENTAL REVIEW (CEQA):

The Zoning Administrator adopted a Class 32, infill exemption from CEQA (Attachment A).

ATTACHMENTS:

- A. Action 234-015-DR_Redacted (PDF)
- B. Public Comment (PDF)